

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DARRYL A. ROBINSON,

Plaintiff,

Case No. 1:11-cv-751

v.

Honorable Paul L. Maloney

UNKNOWN PARTY et al.,

Defendants.

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**ORDER DENYING LEAVE TO PROCEED**  
**IN FORMA PAUPERIS ON APPEAL**

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. On July 29, 2011, the Court issued an opinion and order (ECF Nos. 3, 4) denying Plaintiff leave to proceed *in forma pauperis* because he was barred by the “three-strikes” rule of 28 U.S.C. § 1915(g). Plaintiff was ordered to pay the full civil action filing fee within 28 days. Plaintiff failed to pay the filing fee in the required time period, and the Court dismissed the action on September 12, 2011 (ECF Nos. 7, 8). In the dismissal, the Court warned Plaintiff that should he file a notice of appeal, he would be required to pay the then-\$455.00 filing fee in a lump sum, because he is prohibited from proceeding *in forma pauperis* on appeal by § 1915(g).

Plaintiff filed a notice of appeal in 2011, and the Court denied him leave to proceed on appeal *in forma pauperis*, for the reasons described the Court’s opinion and order denying him pauper status in the district court. (ECF No. 6.) The Sixth Circuit subsequently dismissed Plaintiff’s appeal for lack of prosecution. (ECF No. 9.)

Nearly seven years later, Plaintiff has filed another notice of appeal. (ECF No. 11.) The appellate filing fee is now \$505.00. As discussed in the Court’s order dismissing the action,

Plaintiff is not entitled to proceed on appeal *in forma pauperis*, because he has three strikes within the meaning of 28 U.S.C. 1915(g). Plaintiff has twenty-eight (28) days from the date of entry of this order to pay the entire filing fee for appealing a civil action, which is \$505.00, to the Clerk of this Court. Plaintiff's failure to comply with this order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

**IT IS SO ORDERED.**

Dated: April 27, 2018

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge

**SEND REMITTANCES TO:**

Clerk, U.S. District Court  
399 Federal Bldg.  
110 Michigan St., N.W.  
Grand Rapids, MI 49503

**All checks or other forms of payment shall be payable to "Clerk, U.S. District Court."**